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**ATTORNEY FOR PLAINTIFF  
UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION**

<b>UNITED STATES OF AMERICA,</b>	<b>CR 24- 03 -H-BMM</b>
<b>Plaintiff,</b>	<b>INDICTMENT</b>
<b>vs.</b>	<b>CONSPIRACY TO POSSESS WITH INTENT TO DISTRIBUTE FENTANYL (Count 1)</b>
<b>OLIN CARL HERENDEEN, TANNER WAYNE BAKER- GONG, and KAYLA JANA E JAMES,</b>	<b>Title 21 U.S.C. § 846 (Penalty: 20 years of imprisonment, \$1,000,000 fine, and at least three years of supervised release)</b>
<b>Defendants.</b>	<b>(Penalty for 40 grams of fentanyl: Mandatory minimum five years to 40 years of imprisonment, \$5,000,000 fine, and at least four years of supervised release)</b>
	<b>CONSPIRACY TO POSSESS WITH INTENT TO DISTRIBUTE METHAMPHETAMINE (Count 2)</b>
	<b>Title 21 U.S.C. § 846 (Penalty: Mandatory minimum five years to 40 years of imprisonment, \$5,000,000 fine, and at least four years of supervised release)</b>

**POSSESSION WITH INTENT TO  
DISTRIBUTE FENTANYL**

**(Count 3)**

**Title 21 U.S.C. § 841(a)(1)**

**Title 18 U.S.C. § 2**

**(Penalty: 20 years of imprisonment,  
\$1,000,000 fine, and at least three years of  
supervised release)**

**(Penalty for 40 grams of fentanyl:  
Mandatory minimum five years to 40 years  
of imprisonment, \$5,000,000 fine, and at  
least four years of supervised release)**

**POSSESSION WITH INTENT TO  
DISTRIBUTE METHAMPHETAMINE**

**(Count 4)**

**Title 21 U.S.C. § 841(a)(1)**

**Title 18 U.S.C. § 2**

**(Penalty: Mandatory minimum five years to  
40 years of imprisonment, \$5,000,000 fine,  
and at least four years of supervised release)**

**POSSESSION OF A FIREARM IN  
FURTHERANCE OF A DRUG  
TRAFFICKING CRIME**

**(Count 5)**

**Title 18 U.S.C. § 924(c)(1)(A)(i)**

**(Penalty: Mandatory minimum five years to  
life imprisonment, consecutive to any other  
sentence, \$250,000 fine, and five years of  
supervised release)**

**CRIMINAL FORFEITURE**

**Title 21 U.S.C. § 853(a)(1) and (2)**

**Title 21 U.S.C. § 881(a)(11)**

**Title 18 U.S.C. § 924(d)**

**TITLE 21 PENALTIES MAY BE  
ENHANCED BY PRIOR DRUG-RELATED  
FELONY CONVICTIONS**

THE GRAND JURY CHARGES:

COUNT 1

Beginning in or about June of 2022 and continuing until on or about April 1, 2023, at Helena and within Lewis and Clark County, in the State and District of Montana, the defendants, OLIN CARL HERENDEEN, TANNER WAYNE BAKER-GONG, and KAYLA JANAE JAMES, knowingly and unlawfully conspired and agreed with each other and with other persons, known and unknown to the Grand Jury, to possess with the intent to distribute, in violation of 21 U.S.C. § 841(a)(1), a substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, commonly known as “fentanyl,” a Schedule II controlled substance, in violation of 21 U.S.C. § 846.

The grand jury finds that OLIN CARL HERENDEEN and TANNER WAYNE BAKER-GONG conspired to possessed with intent to distribute 40 grams or more of a substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, commonly known as “fentanyl.”

COUNT 2

Beginning in or about June of 2022 and continuing until on or about April 1, 2023, at Helena and within Lewis and Clark County, in the State and District of Montana, the defendant, OLIN CARL HERENDEEN, knowingly and unlawfully conspired and agreed with other persons, known and unknown to the Grand Jury, to possess with the intent to distribute, in violation of 21 U.S.C. § 841(a)(1), 500

grams or more of a substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 846.

COUNT 3

Beginning in or about June of 2022 and continuing until on or about April 1, 2023, at Helena and within Lewis and Clark County, in the State and District of Montana, the defendants, OLIN CARL HERENDEEN, TANNER WAYNE BAKER-GONG, and KAYLA JANAE JAMES, knowingly and unlawfully possessed, with the intent to distribute, a substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, commonly known as “fentanyl,” a Schedule II controlled substance, and aided and abetted the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

The grand jury finds that OLIN CARL HERENDEEN and TANNER WAYNE BAKER-GONG possessed with intent to distribute 40 grams or more of a substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, commonly known as “fentanyl.”

COUNT 4

Beginning in or about June of 2022 and continuing until on or about April 1, 2023, at Helena and within Lewis and Clark County, in the State and District of Montana, the defendant, OLIN CARL HERENDEEN, possessed, with the intent to distribute, 500 grams or more of substance containing a detectable amount of



methamphetamine, a Schedule II controlled substance, and aided and abetted the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

#### COUNT 5

Beginning in or about June of 2022 and continuing until on or about April 1, 2023, at Helena and within Lewis and Clark County, in the State and District of Montana, the defendant, OLIN CARL HERENDEEN, knowingly possessed a firearm in furtherance of a drug trafficking crime that may be prosecuted in a court of the United States, namely conspiracy to possess with intent to distribute fentanyl and methamphetamine, and possession with intent to distribute fentanyl and methamphetamine, as alleged in Counts 1 through 4 above, in violation of 18 U.S.C. § 924(c)(1)(A)(i).

#### FORFEITURE ALLEGATION

Upon conviction of any of the offenses set forth in counts 1 through 4 of this indictment, the defendants, OLIN CARL HERENDEEN, TANNER WAYNE BAKER-GONG, and KAYLA JANAE JAMES, shall forfeit, pursuant to 21 U.S.C. § 853(a)(1) and (2), and 21 U.S.C. § 881(a)(11): (1) any property constituting and derived from any proceeds obtained, directly and indirectly, as a result of the commission of said offense; (2) any property used and intended to be used, in any manner and part, to commit, and facilitate the commission of, said offense; and (3) any firearm used and intended to be used to facilitate the transportation, sale,

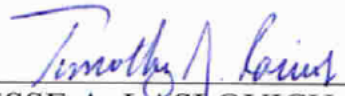
receipt, possession, and concealment of controlled substances and any proceeds traceable to such property.

Upon conviction of the offense set forth in count 5 of this indictment, the defendant, OLIN CARL HERENDEEN, shall forfeit, pursuant to 18 U.S.C. § 924(d), any firearms and ammunition involved in any knowing violation of said offense.

A TRUE BILL.

Foreperson signature redacted. Original document filed under seal.

FOREPERSON

*for*   
JESSE A. LASLOVICH  
United States Attorney

  
CYNDEE L. PETERSON  
Criminal Chief Assistant U.S. Attorney